

Newburgh Town Council Meeting

Date: Wednesday, July 11, 2012

The Newburgh Town Council met in Executive Session on Wednesday, July 11, 2012, at 4:30 p.m. Those present at the meeting were Council President/Council-at-Large Leanna K. Hughes, District I William F. Kavanaugh, District II Tonya R. McGuire, District III Alonzo B. Moore, Jr., District IV Anne Rust Aurand, Clerk-Treasurer Rebecca J. Gentry, Town Manager Cynthia E. Burger and Town Attorney R. Thomas Bodkin. The purpose of the meeting was discussion of personnel and pending litigation.

5:30 p.m. Committee and Regular Session, Newburgh Town Hall, 23 W. Jennings, Newburgh, Indiana.

CALL TO ORDER

President Hughes called the Regular Session to order at 5:30 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Newburgh Town Council.

A moment of silence was observed for the following:

Dennis Shreve, Boonville City Councilman, and Richard Freels, Jr., a Newburgh resident.

ROLL CALL

Those present at the meeting were as follows:

Council President, Council-at-Large - Leanna K. Hughes

District I - William F. Kavanaugh

District II - Tonya R. McGuire

District III - Alonzo B. Moore, Jr.

District IV - Anne Rust Aurand

Clerk-Treasurer - Rebecca J. Gentry

Town Manager - Cynthia E. Burger

Town Attorney - R. Thomas Bodkin

APPROVAL OF MINUTES

MOTION by Mr. Moore to approve the June 27, 2012 minutes.

SECOND by Mrs. Hughes.

DISCUSSION: None

MOTION carried: ayes 4, nays 0 (Ms. Aurand abstained).

Proclamation 2012-09 -- Recognizing Fr. Thomas J. Kessler

MOTION by Mr. Kavanaugh to table Proclamation 2012-09, Recognizing Fr. Thomas J. Kessler.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

SCHEDULED REQUESTS & APPEARANCES

None scheduled.

PETITIONS AND COMMENTS FROM CITIZENS PRESENT

Mrs. Hughes stated the museum will open next week with a memorial service and dedication on Wednesday, July 18, at Riverfront Plaza. Bill Byers requested that a replica of the cannon used at the time of the capture of Newburgh 150 years ago be placed along the Riverfront for the ceremony and grand opening events of the museum.

MOTION by Mr. Kavanaugh to allow a replica of the cannon used at the time of the capture of Newburgh 150 years ago be placed along the Riverfront on the brick plaza for the ceremony and grand opening events of the museum July 18 through July 22, 2012.

SECOND by Mrs. McGuire.

DISCUSSION: Mrs. Hughes stated the museum's grand opening will be on Saturday, July 21, 2012 and invited everyone to the ceremony. Other events include a history tour by Suzie Byers and a band concert on July 19, an auction and dinner at Preservation Hall beginning at 5:30 pm on July 20, and the grand opening and ribbon cutting beginning at 10:00 am on July 21, 2012.

MOTION carried: ayes 5, nays 0.

Carol Schaefer, Executive Director of Historic Newburgh Inc. (HNI), stated there will be a gathering Thursday evening as a kick-off to the theater series. The first show of the Newburgh Theatre Series Dinner and Theatre will be held on August 4, 2012. The Hanover College Flowing River Traveling Troupe will present "Down by the River" at Preservation Hall. Tickets are now available at a cost of \$10.00. This will also be an opportunity to meet the members of the Rivertown Arts group whose art will be displayed in the new offices of HNI.

Mrs. Schaefer stated the fireworks display has been rescheduled to August 24, 2012 during the Fiddler Fest.

MOTION by Mrs. McGuire to allow HNI to use the Trolley at no charge on August 24, 2012.

SECOND by Mr. Kavanaugh.

DISCUSSION: HNI will be responsible for the Trolley driver and fuel expenses. Rain date will be August 25, 2012. Mr. Bodkin mentioned an ordinance will be needed for the fireworks display which will be prepared for the next meeting.

MOTION carried: ayes 5, nays 0.

COMMISSION REPORTS

AIR AUTHORITY - Ms. Aurand

No report.

FIRE - Mr. Moore

Mr. Moore stated the fire department took part in the Independence Day parade. The gator was used as a mobile first aid unit and firefighters passed out water to onlookers. Lightning struck the department recently and knocked out the computers and blew out one of the windows.

HISTORIC PRESERVATION - Mrs. McGuire

Mrs. McGuire stated the next meeting will be held on July 19, 2012 beginning at 5:45 pm.

PARK - Mrs. McGuire

The Park Board met on July 5, 2012. Ski Day will be held on August 12, 2012. Park Board member Kevin Wells stated his son is attending a swim camp that visits pools in Evansville and surrounding area. He felt that Newburgh had the cleanest and best kept pool. A round of applause was given for Gerald Bowser and the pool manager. The 'invited' focus group for the Park's master plan will meet at 6:00 pm

on July 24, 2012 followed by an open session at 7:30 pm. The council was invited to attend these meetings. The Park Board regular meeting will be held August 2, 2012.

PLAN – Ms. Aurand

Ms. Aurand stated she did not attend the last meeting as she was attending a teacher's convention in Washington, D.C. and was fortunate to view the national fireworks display. Ms. Burger stated the Plan Commission met on July 2, 2012. In June, 16 projects were issued at an added value of \$97,970.00. Of those 16 projects, there were 21 permits with \$850.00 in fees.

There will be a BZA meeting on July 30, 2012 in Town Hall at 6:00 pm. There will be three (3) items on the agenda: a conditional use permit and two (2) variances.

POLICE – Mr. Kavanaugh

The police commission will meet on July 16, 2012 at 4:30 pm in Town Hall. The 2013 budget will be discussed. Police Chief Sprinkle stated the EMA board met yesterday, July 10, 2012, and notified him that the 450 megahertz radios must be rebanded. Bob Irvin, a sheriff's deputy, has rebanded the police radios and will update the fire department and all town radios free of charge in the near future.

STORM WATER – Mr. Kavanaugh

Mr. Kavanaugh stated the Storm Water Board will meet on July 23, 2012 at 6:00 pm. The West Side Drainage Program will be discussed. Ms. Burger stated there will be a preconstruction meeting next week and the contractor should be mobilizing by the first of August.

STREETS – Mr. Moore

Mr. Moore stated the street crew cleared the weeds and small trees from the east side of the Forest Park drainage ditch and continued spraying along the river bank. The crew was instrumental in the set-up and tear-down for all the July 4th festivities. Mr. Moore contacted Indiana American Water regarding a broken 12" water cap at the corner of Gray and Sycamore Streets which was quickly repaired.

UTILITY – Mrs. Hughes

Mr. Bodkin stated a Take Hearing Trial was held regarding an easement needed for the Highway 261 project. The result will be disclosed within the next 60 to 90 days.

STANDING COMMITTEES:

FINANCE – Mrs. Hughes

Mrs. Hughes stated a finance meeting was held earlier today. The 2013 budget process has begun.

PERSONNEL – Mrs. McGuire

No report.

SPECIAL BOARDS/COMMITTEE REPORTS

MUSEUM – Mrs. Hughes

MOTION by Mr. Kavanaugh to allow the museum to use the sound system as needed for the grand opening events.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

Mrs. Hughes stated the museum has several donated items that will not be used. Ms. Burger and Ms. Aurand will review the items and return them to the original owners.

MOTION by Mrs. Hughes to declare the safe, housed in Preservation Hall, as surplus and at no value.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

The next meeting will be held on August 7, 2012 at 5:30 pm.

REVITALIZATION - Mrs. McGuire

No report.

RIVERTOWN TRAIL – Mr. Kavanaugh

Ms. Burger reported she will be meeting with Mike Wigger from Earth Explorations along with David Hynes and Bob Bullard on July 18, 2012 regarding issues with the trail, east of Outer Gray.

SIDEWALK – Mr. Kavanaugh

No report.

ZONING ADMINISTRATOR – Commissioner Anne Rust Aurand

No report; however, Ms. Burger stated the commission remains active in the search to fill the Zoning Administrator position.

CLERK-TREASURER – Mrs. Gentry

No report.

TOWN ATTORNEY – Mr. Bodkin

Mr. Bodkin stated the Town's current contract with Umbaugh is due for renewal. Mr. Bodkin stated Umbaugh is the leading firm providing governmental finance and governmental accounting services in Indiana.

MOTION by Mr. Kavanaugh to approve the Financial Advisor Agreement with the Town of Newburgh and H. J. Umbaugh and Associates.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

TOWN ENGINEER – David Hynes

Eric Parsley with Commonwealth Engineers stated plans for the West Side Drainage Project, Water and Jefferson Street Drainage Project and Old Lock and Dam Bank Stabilization Project were in order.

MOTION by Mr. Kavanaugh, on the engineer's recommendation, to approve the Notice of Award with Blankenberger Brothers for the West Side Drainage Project.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mr. Kavanaugh, on the engineer's recommendation, to approve the plans for the Water and Jefferson Street Drainage Project.

SECOND by Mr. Moore.

DISCUSSION: This project is FEMA funded.

MOTION carried: ayes 5, nays 0.

MOTION by Mr. Kavanaugh, on the engineer's recommendation, to approve the plans for the Old Lock and Dam Bank Stabilization Project.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mr. Kavanaugh to table the Jefferson Street Sidewalk Project, Final Payment and Release of Retainage to JBI, Inc.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

TOWN ADMINISTRATIVE MANAGER – Ms. Burger

Ms. Burger stated the pre-bid meeting for the Lock and Dam project will be at Town Hall on Wednesday, July 18 at 10:00 am. Ms. Burger is working with NRCS for additional funding for the excavation work.

The FEMA quarterly reports have been completed.

MOTION by Mrs. McGuire to allow the SIR Brit Car Club to use the Trolley at no charge on September 22, 2012 between the hours of 10:00 am and 2:00 pm.

SECOND by Mrs. Hughes.

DISCUSSION: The SIR Brit Car Club will be responsible for the Trolley driver and fuel expenses. The Town does have the means to determine if the fuel tank is full.

MOTION carried: ayes 5, nays 0.

UNFINISHED BUSINESS

1. Discussion Regarding Reversing Direction of Traffic on Main Street – tabled on April 11, 2012
Continue to table. Mrs. McGuire stated she will begin to speak with the neighbors regarding the traffic flow.

NEW BUSINESS

1. Jefferson Street Sidewalk Project – Final Payment and Release of Retainage to JBI, Inc.
Item covered previously under the Town Engineer report.

2. OCRA Semi-Annual Grant Report

Ms. Burger stated this is a form for the Economic Development Coalition to submit for future release of funds that must be signed by the Town Council President.

3. Discussion Regarding the Indiana Association of Cities and Towns (IACT) Membership

Mrs. Hughes stated she is a proponent of IACT and feels the education would be invaluable. There will be a 'round table' discussion later this month in New Harmony.

MOTION by Mr. Kavanaugh to request Bill Schmitt, an IACT representative, to address the council at the next meeting.

SECOND by Mrs. Hughes.

DISCUSSION: Mrs. McGuire stated she was pleased that our attorney voiced his opinion regarding the Boone County situation. IACT is working to improve their level of service. Mr. Kavanaugh stated that if

council renews the membership, guidelines should be in place for seminar and meeting attendance.
Mrs. Hughes estimated the membership cost at \$1,600.00.
MOTION carried: ayes 5, nays 0.

4. Ordinance 2012-13 – Additional Appropriation

MOTION by Mr. Kavanaugh for the first reading of Ordinance 2012-13 – Additional Appropriation.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

Mr. Bodkin read Ordinance 2012-13, an ordinance of additional appropriations.

MOTION by Mr. Kavanaugh to accept the first reading of Ordinance 2012-13 Additional Appropriation.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mr. Kavanaugh for the second reading of Ordinance 2012-13 – Additional Appropriation.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

Mr. Bodkin read Ordinance 2012-13, an ordinance of additional appropriations.

MOTION by Mr. Kavanaugh to adopt Ordinance 2012-13 – Additional Appropriation.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

5. Ordinance 2012-15 – Flood Plain Management & Flood Hazard Areas

MOTION by Mr. Kavanaugh for the first reading of Ordinance 2012-15 – Flood Plain Management & Flood Hazard Areas.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

Mr. Bodkin read Ordinance 2012-15, an ordinance regarding flood plain management and flood hazard areas in the Town of Newburgh.

MOTION by Mr. Kavanaugh to accept the first reading of Ordinance 2012-15 – Flood Plain Management & Flood Hazard Areas.

SECOND by Mrs. McGuire.

DISCUSSION: Mr. Bodkin stated this ordinance is replacing the current flood plain management and flood hazard area ordinance that was adopted several years ago. Every several years FEMA issues a new map or drawing. The Indiana Department of Natural Resources then requires the Town to readopt an ordinance of flood plain management and flood hazard areas. This allows the residents to buy flood insurance if they are in the flood plain.

MOTION carried: ayes 5, nays 0.

MOTION by Mr. Kavanaugh for the second reading of Ordinance 2012-15 – Flood Plain Management & Flood Hazard Areas.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

Mr. Bodkin read Ordinance 2012-15, an ordinance regarding flood plain management and flood hazard areas in the Town of Newburgh.

MOTION by Mr. Kavanaugh to adopt Ordinance 2012-15 – Flood Plain Management & Flood Hazard Areas.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

6. Contract with H.J. Umbaugh & Associates – Financial Advisor Agreement

This item was discussed earlier in the meeting under the Town Attorney's report.

MISCELLANEOUS BUSINESS

Mr. Kavanaugh congratulated Mrs. Gentry on the great job regarding the audit conducted by the State Board of Accounts. Congratulations were also extended to Mrs. Hughes for the manner in which she handled the cancellation of the fireworks due to the dry conditions.

MOTION by Mrs. McGuire to appoint Tim Triplett to the Newburgh Board of Zoning Appeals. Mr. Triplett will be filling an unexpired term from a January 2010 appointment. Mr. Triplett's term will expire December 31, 2013.

SECOND by Ms. Aurand.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mr. Kavanaugh to confirm the Declaration of Emergency that was issued July 2, 2012.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

Mr. Bodkin stated the Town of Newburgh is now responsible for the billing of the sanitary sewer, trash pick-up and drainage fee due to Indiana American's decision to withdraw from the billing business. There has not been an increase to the Newburgh sanitary sewer rate. Susan Helms and her staff are to be congratulated for their hard work. Bill Bartelt stated people are placing their bills in the Presbyterian Hall mailbox.

APPROVAL OF CLAIMS

MOTION by Mr. Moore that all claims be paid in the following amounts:

Civil Town: \$167,605.38

Sewer Operations: \$202,467.59

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

ADJOURNMENT

MOTION by Mrs. McGuire to adjourn the meeting.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

APPROVED this 25th day of July, 2012

Newburgh Town Council

Deanna K. Hughes
President

ATTEST:

Roberta J. Gerly
Clerk-Treasurer